

ESTTA Tracking number: **ESTTA606555**Filing date: **05/28/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Muraro & Sons S.R.L.		
Entity	limited liability company	Citizenship	Italy
Address	Via Pasubio 51/53 Creazzo (Vicenza), ITALY		

Attorney information	William J. Seiter Seiter Legal Studio 2500 Broadway, Bldg F, Suite F-125 Santa Monica, CA 90404 UNITED STATES williamjseiter@seiterlegalstudio.com
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Applicant Information

Application No	86140311	Publication date	04/29/2014
Opposition Filing Date	05/28/2014	Opposition Period Ends	05/29/2014
Applicant	Edgar Esau Gutierrez Sandoval #1114 Aventura, FL 33180 UNITED STATES		

Goods/Services Affected by Opposition

Class 014. First Use: 2011/10/01 First Use In Commerce: 2011/10/01 All goods and services in the class are opposed, namely: Jewelry; Watches


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1663378	Application Date	03/05/1990
Registration Date	11/05/1991	Foreign Priority Date	NONE
Word Mark	BARAKA'		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 0 First Use In Commerce: 0		

	goods in precious metals; namely, bracelets, necklaces, keyrings, money clips and earrings
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U.S. Registration No.	2723803	Application Date	06/06/2002
Registration Date	06/10/2003	Foreign Priority Date	NONE
Word Mark	BARAKA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2001/09/30 First Use In Commerce: 2002/02/28 handbags, luggage, shoulder bags, travelling bags, credit card cases, document cases, passport cases, [cosmetic cases sold empty,] keycases, briefcases, purses, wallets, suitcases		

Attachments	76415204#TMSN.gif(bytes) Notice of Opposition (US TM App 86140311).pdf(163180 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/wjs/
Name	William J. Seiter
Date	05/28/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 86140311
Mark: BARRACA
Published: April 29, 2014

Muraro & Sons S.R.L. (an Italian limited liability company))	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
Edgar Esau Gutierrez Sandoval (a Mexican individual))	
)	
Applicant.)	


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NOTICE OF OPPOSITION

Opposer Muraro & Sons S.R.L., a limited liability company organized under the laws of Italy, located and doing business at Via Pasubio 51/53 Creazzo (Vicenza) Italy, believes that it would be damaged by the issuance of a registration for the trademark BARRACA as applied for by Applicant Edgar Esau Gutierrez Sandoval, a Mexican individual, in Application Serial No. 86140311, and therefore opposes the application as to all of the applied for goods in International Class 14. As grounds for its opposition, Opposer, by its attorneys Seiter Legal Studio, alleges as follows:

1. Opposer is the owner of the following trademarks:
 - a. BARAKA' under U.S. Trademark Registration No. 1663378, applied for on March 5, 1990 and registered on November 5, 1991, in International Class 14 for "Goods in precious metals; namely, bracelets, necklaces, keyrings, money clips and earrings" which Opposer has used since at

least as early as September 30, 2001, and has used in U.S. commerce since at least as early as February 28, 2002.

- b.  (“BARAKA & Device”) under U.S. Trademark Registration No. 2723803, applied for on June 6, 2002 and registered on June 10, 2003, in International Class 18 for “handbags, luggage, shoulder bags, travelling bags, credit card cases, document cases, passport cases, [cosmetic cases sold empty,] keycases, briefcases, purses, wallets, suitcases” which Opposer has used since at least as early as September 30, 2001, and has used in U.S. commerce since at least as early as February 28, 2002,

(hereinafter known as “Opposer’s marks”).


2. Opposer’s marks have been promoted extensively, and the marks are well known to the consuming public. Opposer has invested substantial time, effort and money in promoting the Opposer’s marks. As a result, the Opposer’s marks have become distinctive of Opposer’s goods in Classes 14 and 18, and have come to represent substantial goodwill for Opposer, widely recognized by the consuming public of the United States as a designation of source of the goods of Opposer.

3. On December 11, 2013, Applicant Edgar Esau Gutierrez Sandoval filed Application Serial No. 86140311 for the mark BARRACA in International Class 14 for “Jewelry; Watches” based on use in U.S. commerce, the first date of use being October 1, 2011.

4. Upon information and belief, Applicant made no use of the mark BARRACA in Application Serial No. 86140311 on or before September 30, 2001, the

date of first use of the Opposer's mark BARAKA' under U.S. Trademark Registration No. 1663378.

5. Upon information and belief, Applicant made no use of the mark BARRACA in Application Serial No. 86140311 on or before February 28, 2002, the date

of first use in United States commerce of the Opposer's mark  ("BARAKA & Device") under U.S. Trademark Registration No. 2723803.


6. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86140311 prior to its filing date of December 11, 2013.

7. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86140311 prior to its claimed first use date of October 1, 2011.

8. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86140311 on or before March 5, 1990, the filing date of Opposer's mark BARAKA' under U.S. Trademark Registration No. 1663378.


9. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86140311 on or before June 6, 2002, the filing date of Opposer's mark ("BARAKA & Device") under U.S. Trademark Registration No. 2723803.

10. The mark that Applicant seeks to register is identical in sound, and is similar in appearance, meaning and commercial impression to Opposer's marks, and is being used in connection with goods identical or closely related to Opposer's goods in Classes 14 and 18. Based on the confusing similarity of the two marks and identity or relatedness of the parties' respective goods, the public is likely to associate the goods of Applicant under the mark BARRACA with Opposer and/or its licensees or with

Opposer's and/or its licensees' goods under its marks BARAKA' and , or to believe that Applicant's goods are sponsored, endorsed or licensed by Opposer or its licensees, or that there exists some relationship between Applicant and Opposer and/or its licensees, when there is none.

11. For the above reasons, any use of the mark BARRACA by Applicant is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the goods and services offered under the mark by Applicant emanate from or are otherwise sponsored or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

REQUEST FOR RELIEF

12. Opposer is the owner of the marks BARAKA', under U.S. Trademark Registration No. 1663378, applied for on March 5, 1990 and registered on November 5, 1991, in International Class 14 for "Goods in precious metals; namely, bracelets, necklaces, keyrings, money clips and earrings" and  ("BARAKA & Device") under U.S. Trademark Registration No. 2723803, applied for on June 6, 2002 and registered on June 10, 2003, in International Class 18 for "handbags, luggage, shoulder bags, travelling bags, credit card cases, document cases, passport cases, [cosmetic cases sold empty,] keycases, briefcases, purses, wallets, suitcases" which Opposer has used in U.S. commerce since at least as early as February 28, 2002, and is using such mark in U.S. commerce.

WHEREFORE, Opposer believes that it will be damaged by the registration of the mark in Application Serial No. 86140311, and respectfully requests that this opposition be sustained and that the registration sought by Application Serial No. 86140311 be denied as to all of the applied for goods in International Class 14.

The Opposition fee in the amount of \$300.00 for one class is filed electronically herewith.

DATED: May 28, 2014

Respectfully submitted,
SEITER LEGAL STUDIO.

By: /s/
William J. Seiter
Attorneys for Opposer
2500 Broadway, Bldg F,
Suite F-125 Santa Monica
California 90404 USA
Phone: (424) 238 4333

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Opposition has been forwarded via First Class Mail, postage prepaid, to the Applicant, to the attention of its attorney of record:

ANTONIO REGOJO
REGOJO LAW, PA
3550 BISCAYNE BLVD STE 507
MIAMI, FLORIDA 33137-3855
UNITED STATES

on this 28th day of May, 2014.

/s/
William J. Seiter